

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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| HOMER PRICE, | § | |
| | § | |
| v. | § | Civil Action No. 4:21-cv-729-SDJ-KPJ |
| | § | |
| COLLIN COUNTY DETENTION | § | |
| FACILITY, SGT. AGAN, and LT. | § | |
| WEST. | § | |

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 1, 2022, the Magistrate Judge entered proposed findings of fact and a recommendation (the “Report”), (Dkt. #24), that Defendant Collin County Detention Facility’s Motion to Dismiss (“Detention Facility’s Motion”), (Dkt. #14), be granted and Plaintiff Homer Price’s (“Plaintiff”) claims against Collin County Detention Facility be dismissed with prejudice. Further, the Report recommends that Defendants Sgt. Marshall Agan (“Sgt. Agan”) and Lt. Sheri West’s (“Lt. West”) Motion to Dismiss (the “Officers’ Motion), (Dkt. #15), be granted in part, Plaintiff’s claims against Sgt. Agan and Lt. West be dismissed without prejudice, and plaintiff be granted leave to amend his claims against Sgt. Agan and Lt. West.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and

conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

Accordingly, Collin County Detention Facility's Motion to Dismiss, (Dkt. #14), is **GRANTED**. Plaintiff's claims against Collin County Detention Facility are **DISMISSED WITH PREJUDICE**. Further, Sgt. Agan and Lt. West's Motion to Dismiss, (Dkt. #15), is **GRANTED IN PART**. Plaintiff's claims against Sgt. Agan and Lt. West are **DISMISSED WITHOUT PREJUDICE**. Plaintiff is granted leave to amend his claims against Sgt. Agan and Lt. West with the amended pleading due no later than fourteen (14) days after entry of this Memorandum Adopting the Report and Recommendation.

So ORDERED and SIGNED this 26th day of September, 2022.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE